

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

EARNEST JOHNSON, by and through his  
wife and next friend, GLORIA JOHNSON,  
on behalf of the wrongful death  
beneficiaries and as Administratrix  
of the Estate of Earnest Johnson

PLAINTIFF

VS.

CIVIL ACTION NO. 5:06-cv-161 (DCB) (JMR)

MARINER HEALTH CARE, INC., f/k/a  
Mariner Post Acute Network;  
MARINER HEALTH GROUP, INC.;  
NATIONAL HERITAGE REALTY, INC.;  
MARINER HEALTH CARE MANAGEMENT  
COMPANY; those operating subsidiaries  
of Mariner Health Care, Inc., and  
Mariner Health Group connected with  
the ownership or operation of Yazoo  
City Health and Rehabilitation Center

DEFENDANTS

ORDER

This cause is before the Court on the defendants' motion for partial summary judgment **(docket entry 43)**. Having carefully considered the motion and response, the memoranda of the parties and the applicable law, and being otherwise fully advised in the premises, the Court finds as follows:

In their motion, the defendants move for summary judgment on the plaintiff's wrongful death claim, and on the plaintiff's claim for punitive damages. The plaintiff concedes the motion as to her claim for wrongful death.

As for the punitive damages claim, the plaintiff requests additional time to submit evidence, including testimony of the plaintiff's nursing expert, Renee Bridges. Ms. Bridges's testimony

is also the subject of a motion in limine filed by the defendants on March 3, 2008. The Court finds that any additional evidence should be submitted at the same time as the plaintiff's response to the motion in limine. Accordingly,

IT IS HEREBY ORDERED that the defendants' motion for partial summary judgment (**docket entry 43**) is GRANTED IN PART as to the plaintiff's wrongful death claim, and said claim is dismissed with prejudice;

FURTHER ORDERED that as to the punitive damages claim, the plaintiff's Rule 56(f) motion is granted, and the plaintiff's additional evidence shall be submitted at the same time as her response to the defendants' motion in limine.

SO ORDERED, this the 11<sup>th</sup> day of March, 2008.

s/ David Bramlette  
UNITED STATES DISTRICT COURT